



City of NORFOLK

C: Dir., Department of Utilities

To the Honorable Council
City of Norfolk, Virginia

March 10, 2015

From: Eric Tucker, Assistant Director of Utilities

Subject: Permanent Utility Easement
from Allen Toby Hedgepeth, Trustee
under the Allen Toby Hedgepeth
Declaration of Trust dated May 30,
2001

Reviewed:

Ronald H. Williams, Jr., Deputy City
Manager

Ward/Superward: N/A

Approved:

Marcus D. Jones, City Manager

Item Number:

PH-2

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk Department of Utilities
Easement Location: 3804 and 3824 Bruce Road, Chesapeake, Virginia

III. **Description**

This agenda item is to adopt an Ordinance approving the acquisition of a permanent utility easement through either purchase agreement or condemnation at 3804 and 3824 Bruce Road in the City of Chesapeake, Virginia.

IV. **Analysis**

The variable width permanent utility easement will allow the City to install and maintain a new 36" raw water main. The existing 36" water main in this area has reached the end of its useful life and two large emergency repairs have been made in the past year. The City will be relocating a portion of the existing water main from developed residential property to a nearby existing street. Construction of the new water line is scheduled to begin in the spring of 2015.

V. **Financial Impact**

The total cost to the City for the easement is \$7,500.

VI. Environmental

The City is acquiring all necessary approvals from the U.S. Army Corps of Engineers and the Cities of Chesapeake and Portsmouth. The new water main will be installed by horizontal directional drill, which will minimize impacts to the surrounding properties.

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process. Meetings have been held with the affected property owners and City officials from the Cities of Chesapeake and Portsmouth.

VIII. Board/Commission Action

N/A

IX. Coordination/Outreach

This letter has been coordinated with the City Attorney's Office.

Supporting Material from the City Attorney's Office:

- Ordinance

02/11/2014 tsv

Form and Correctness Approved: *RAV*

By *[Signature]*
Office of the City Attorney

Contents Approved:

By *[Signature]*
DEPT.

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose. *[Signature]*

\$ 7,500.00

[Signature]
Director of Finance

4000-33-3057-5581
Account (FY07)
2/19/15
Date

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE FINDING A PUBLIC NECESSITY FOR THE ACQUISITION OF A PERMANENT UTILITY EASEMENT FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING, AND OPERATING CERTAIN FACILITIES RELATED TO THE CITY'S WATER SUPPLY SYSTEMS, SAID EASEMENT TO EXTEND ACROSS PROPERTY LOCATED AT 3804 AND 3824 BRUCE ROAD IN THE CITY OF CHESAPEAKE, VIRGINIA; AUTHORIZING THE ACQUISITION OF THE EASEMENT BY EITHER PURCHASE AGREEMENT OR CONDEMNATION; AND ACKNOWLEDGING THE EXPENDITURE OF THE SUM OF \$7,500.00 TO ACQUIRE SUCH.

- - -

WHEREAS, the City of Norfolk is empowered by the provisions of Virginia Code Sections 15.2-1901, 15.2-1901.1 and 15.2-2109 and by Norfolk City Charter Section 2(5) to acquire by eminent domain any easement across private property for public uses, including a certain portion of the property located at 3804 and 3824 Bruce Road in the City of Chesapeake, Virginia, being more specifically described hereinafter in Section 2;

WHEREAS, it is the judgment of the City Council of the City of Norfolk that a new permanent utility easement across the portion of property described hereinafter in Section 2 is necessary for the purpose of constructing, maintaining, and operating a new water main and appurtenant facilities which are needed by the City of

Norfolk as part of its water supply system;

WHEREAS, an existing permanent utility easement already exists on this property and will be vacated by the City as part of the same project involving construction of the new water main and appurtenant facilities, once the new main is complete and operational;

WHEREAS, available property records indicate that the person having an ownership or other possessory interest in the property to be burdened by the new easement is, at the time of the adoption of this Ordinance, Allen Toby Hedgepeth, Trustee under the Allen Toby Hedgepeth Declaration of Trust dated May 30, 2001; and

WHEREAS, based on information provided in the report of a professional appraiser licensed in the Commonwealth of Virginia, the total estimated funds necessary to compensate the owner thereof for such easement are not more than \$7,500.00; wherefore

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That, pursuant to the provisions of Virginia Code Section 15.2-1901, 15.2-1901.1 and 15.2-2109 and Norfolk City Charter Section 2(5), the Council finds that acquisition of a permanent utility easement located on property as hereinafter described is necessary for the purpose of constructing, maintaining, and operating a certain water main and appurtenant facilities that are part of the City's water supply systems.

Section 2:- That the City Manager and City Attorney be, and hereby are, authorized and directed to take such action as may be necessary to acquire the permanent easement including, if necessary, the institution of condemnation proceedings and to arrange for payment of

compensation to the owner or owners of the property across which the easement is situate, as well as any other persons having an interest in such property, said easement being specifically set forth and described as follows:

All that certain lot, piece or parcel of land situate, lying and being in the City of Chesapeake, Virginia to be used as a permanent utility easement for a water main and appurtenant facilities and being a portion of the property of Allen Toby Hedgepeth, Trustee under the Allen Toby Hedgepeth Declaration of Trust dated May 30, 2001 as shown on the plat entitled, "Project Parcel 006 Plat Showing Permanent Easement to be acquired from Allen Toby Hedgepeth, Trustee under the Allen Toby Hedgepeth Declaration of Trust, Dated May 30, 2001 by City of Norfolk," dated March 26, 2012 and revised March 10, 2014 and March 25, 2014, prepared by Rouse-Sirine Associates, Ltd., and attached hereto as "Exhibit A," said portion being more particularly described as follows:

BEGINNING at a point on the northern line of Bruce Road (Variable Width R/W) at the eastern terminus; thence, from the point of beginning thus described, N 30°-46'-36" E, 1.26 feet to a point; thence, S 64°-23'-08" E, 45.50 feet to a point; thence, 325.24 feet, more or less, along the arc of a curve to the right, having a radius of 3,610.01 feet, a chord distance of 325.13 feet, more or less, and a chord bearing of S 61°-48'-16" E to a point; thence, S 59°-13'-24" E, 6.79 feet to a point; thence, 366.92 feet, more or less, along the arc of a curve to the left, having a radius of 3590.00 feet, a chord distance of 366.76 feet and a chord bearing of S 62°-09'-04" E to a point on the property line shown in M.B. 100, at P. 5, recorded in the Clerk's Office of the Circuit Court in Chesapeake, Virginia; thence, S 41°-24'-32" W, along a tie line, 11.00 feet to a point; thence, S 57°-52'-06" W, along a tie line, 11.25 feet to a point; thence, 359.72 feet, more or less, along the arc of a curve

to the right, having a radius of 3,610.00 feet, a chord distance of 325.57 feet, more or less, and a chord bearing of N 62°-04'-40" W to a point on the northern line of Parcel B, now or formerly William L. Winslow (M.B.29, P. 43); thence, N 59°-13'-24" W, 376.92 feet, more or less, along the northern lines of William L. Winslow and Judith A. Clarke to the point of beginning.

Said easement, being the permanent utility easement to be acquired or condemned by the Ordinance, contains 12,482 square feet or 0.287 acre, more or less, of land.

Section 3:- That this ordinance shall be in effect from the date of its adoption.

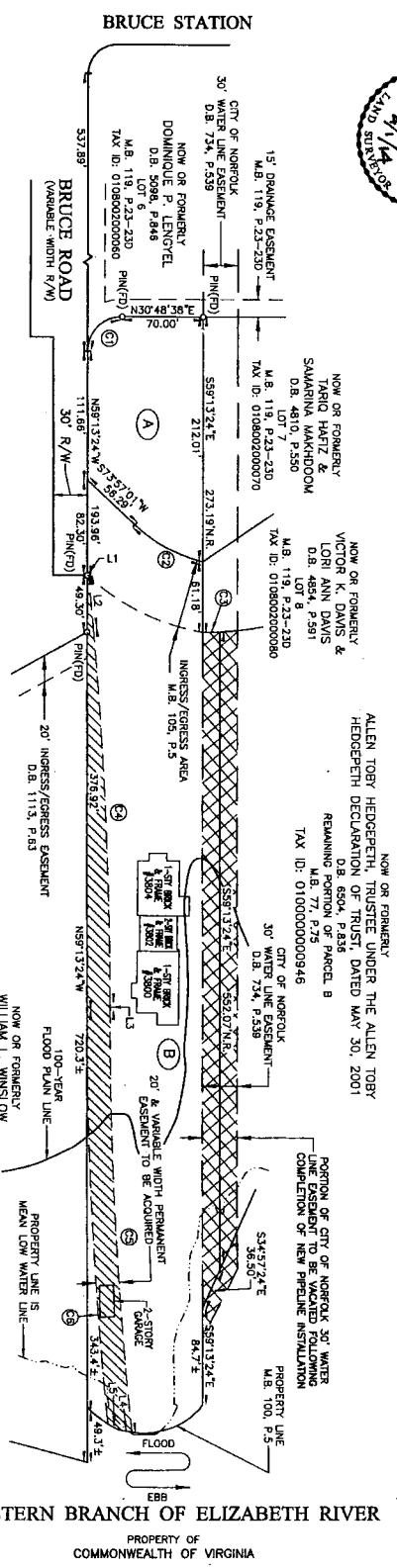
ATTACHMENT:

Exhibit A (1 page)



AREA PARCELS B-1 & C-1:
20' & VARIABLE WIDTH PERMANENT EASEMENT AREA = 12,482 S.F./0.287 ACRE

- DENOTES PERMANENT EASEMENT
- AREA TO BE ACQUIRED
- DENOTES PORTION OF CITY OF NORFOLK 30' WATER LINE EASEMENT TO BE VACATED FOLLOWING COMPLETION OF NEW PRELINE INSTALLATION



NOW OR FORMERLY
JUDITH A. CLARKE
D.B. 140, P.186
D.B. 140, P.186
D.B. 78, P.42
TAX ID: 0100000000881

NOW OR FORMERLY
VICTOR K. DAVIS &
LORI ANN DAVIS
D.B. 484, P.581
D.B. 118, P.23-230
TAX ID: 0108000000980

NOW OR FORMERLY
ALLEN TOBY HEDGEPEETH, TRUSTEE UNDER THE
HEDGEPEETH DECLARATION OF TRUST, DATED MAY 30, 2001
D.B. 650, P.836
REMAINING PORTION OF PARCEL B
TAX ID: 0100000000946

PORTION OF CITY OF NORFOLK 30' WATER
LINE EASEMENT TO BE VACATED FOLLOWING
COMPLETION OF NEW PRELINE INSTALLATION
D.B. 100, P.5
PROPERTY LINE

PROJECT PARCEL 006
NOW OR FORMERLY
ALLEN TOBY HEDGEPEETH, TRUSTEE UNDER THE
HEDGEPEETH DECLARATION OF TRUST,
DATED MAY 30, 2001
PARCEL A-1-B
M.B. 106, P.100
TAX ID: 0100000000803

PROJECT PARCEL 006
NOW OR FORMERLY
ALLEN TOBY HEDGEPEETH, TRUSTEE UNDER THE
HEDGEPEETH DECLARATION OF TRUST,
DATED MAY 30, 2001
PARCEL C-1
M.B. 106, P.5
TAX ID: 0100000000801

CURVE DATA

1	R=30.00'	T=30.00'	C=42.43'	CB=581.46'
2	R=30.00'	T=30.00'	C=42.43'	CB=581.46'
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4	R=30.00'	T=30.00'	C=42.43'	CB=581.46'
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100	R=30.00'	T=30.00'	C=42.43'	CB=581.46'

NO.	BEARING	DISTANCE
1	N57°46'35"E	1.28'
2	S57°13'08"E	43.50'
3	S57°13'24"E	6.79'
4	N57°13'24"E	11.20'
5	S57°13'08"W	11.20'

PROJECT PARCEL 006
PERMANENT EASEMENT
TO BE ACQUIRED FROM
ALLEN TOBY HEDGEPEETH, TRUSTEE UNDER
THE ALLEN TOBY HEDGEPEETH DECLARATION
OF TRUST, DATED MAY 30, 2001
BY
CITY OF NORFOLK
WESTERN BRANCH BOROUGH - CHESAPEAKE, VIRGINIA
SCALE: 1"=60'
DATE: MARCH 26, 2012
REVISED: MARCH 10, 2014
REVISED: MARCH 25, 2014



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